

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OHIO A. PHILIP RANDOLPH)	
INSTITUTE, <i>et al.</i> ,)	No. 1:18cv357
)	
Plaintiffs,)	SUPPLEMENTAL ORDER
)	FOR IN CAMERA REVIEW
v.)	
)	
RYAN SMITH, <i>et al.</i> ,)	
)	
Defendants.)	

Before: Moore, Circuit Judge; Black and Watson, District Judges.

The Republican National Committee (“RNC”), the National Republican Congressional Committee (“NRCC”), and Adam Kincaid (collectively, “Respondents”) received from the Plaintiffs subpoenas that requested the production of various documents and communications related to the 2011 Ohio congressional redistricting. In response, the Respondents have asserted that various documents and communications are covered by the First Amendment privilege, the attorney-client privilege, and the work product doctrine. *See* Case No. 18-mc-00031, R. 11-2 (Ex. A, Privilege Log) (Page ID #446–50).

On December 3, 2018, this Court entered an Order stating the Court could not properly assess Respondents’ various privilege claims without viewing the documents at

issue. (R. 101). Accordingly, the Court ordered Respondents to immediately produce certain documents listed on Respondents' privilege log. (*Id.*)

Upon further consideration, it appears not all documents sought by Plaintiffs—and withheld by Respondents on the grounds of First Amendment Privilege—are listed on Respondents' privilege log. Accordingly, **IT IS ORDERED** that the Respondents immediately produce to the Court the following documents for in camera judicial review:

- The documents listed in Paragraph 7(a)-(d), (f)-(g) of Dalton Oldham's Affidavit dated September 30, 2018 (filed in Case No. 1:18-mc-31 at R. 1-3, Ex. F);
- The documents listed in Paragraphs 9(a), (e), (g)-(i), and (l)-(n) of Chris Winkelman's Affidavit dated September 28, 2018 (filed in Case No. 1:18-mc-31 at R. 1-3, Ex. I); and
- The documents listed in Paragraph 14 of Adam Kincaid's Affidavit dated September 28, 2018 (filed in Case No. 1:18-mc-31 at R 1-3, Ex. M).

The Respondents shall produce these documents to each of the undersigned judges' chambers by overnight delivery. Respondents shall send Judge Moore's documents to her Cleveland chambers:

Judge Karen Nelson Moore
U.S. Court of Appeals for the Sixth Circuit
Carl B. Stokes U.S. Courthouse
801 W. Superior Ave., #21A
Cleveland, Ohio 44113-1831

IT IS SO ORDERED.

Date: 12/11/18

/s/ Timothy S. Black
Timothy S. Black
United States District Judge

/s/ Karen Nelson Moore
Karen Nelson Moore
United States Circuit Judge

/s/ Michael H. Watson
Michael H. Watson
United States District Judge